

# ED464892 2002-05-00 Teaching about Federalism in the United States. ERIC Digest.

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**Author:** Drake, Frederick D. - Nelson, Lynn R.

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## Teaching about Federalism in the United States. ERIC Digest.

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Although it was not directly named in the Constitution, federalism is a central principle of government in the United States of America. It is important for all students to learn about federalism so they can comprehend the federal system in the United States and recognize examples of federalism in other countries. Teaching and learning about federalism, therefore, is essential to education for citizenship in a democracy. This Digest (1) defines federalism and discusses basic characteristics of the U.S. federal system; (2) provides an overview of the changing nature of federalism in the United States and internationally; (3) calls upon teachers to conduct deliberative discussions of federalism in relationship to other principles of constitutional democracy; and (4) recommends Internet resources related to federalism.

## DEFINING FEDERALISM.

The word federal denotes alliances between independent sovereignties. "The Oxford Guide to the U.S. Government," an important source for any student or teacher of history, describes federalism in the United States as "the division of governmental powers between the national and state governments." "The Oxford Guide" informs us that "state governments can neither ignore nor contradict federal statutes that conform to the supreme law, the Constitution" (Patrick, Pious, and Ritchie 2001, 234-235). Unlike a confederation, a federal republic does not permit a state to have full or primary sovereignty over its internal affairs. If a conflict exists between the state and federal government, the supremacy clause mandates that federal laws are supreme. The powers of the central or national government typically are enumerated in a written constitution.

Under the U.S. Constitution, any powers not specifically granted to the national government are presumed to be retained by state governments. State governments have their own spheres of jurisdiction and often have been extolled as important laboratories for governmental experimentation. Throughout United States history, individuals have argued that the states are better able than the national government to respond effectively to public policy issues. Others seek the strength of the national government, particularly during times of crisis.

The U.S. federal system has five basic characteristics:

- \* Federalism provides a division of legal authority between state and national governments. Overlap occurs, but two legally distinct spheres of government exist.
- \* The states are subordinate to the national government in such areas as management of foreign affairs and regulation of interstate commerce.
- \* Federalism enables positive cooperation between state and national governments in programs pertaining to education, interstate highway construction, environmental protection and health, unemployment, and social security concerns.

- \* The U.S. Supreme Court serves as legal arbiter of the federal system in regard to conflicting claims of state and national governments.
- \* The two levels of government exercise direct authority simultaneously over people within their territory. Dual citizenship exists under federalism, and individuals can claim a wide range of rights and privileges from both state and national governments.

Political scientists define two types of federalism: dual and cooperative. From one vantage point, federalism can be viewed as a "layer" cake (dual); from another it may be pictured as a "rainbow" or "marble" cake (cooperative).

Proponents of states' rights and powers hold that the Constitution is a compact between the states and the federal government. Both states and the national government are supreme within their own spheres. Advocates of dual federalism argue that the national government cannot "invade" the power that is reserved for the states.

Proponents of the position that the people, not the states, created the federal government want a cooperative approach to state-nation relations. Cooperative federalism emphasizes the "general welfare" clause and the "necessary and proper" clause of the Constitution by which power of the national government may be expanded even if the actions of the national government touch or overlap with traditional state functions.

## THE CHANGING NATURE OF FEDERALISM.

The principle of American federalism, created in the eighteenth century, was bold and has greatly affected U.S. history. Its influence continues today. During the late 1780s the debates over ratification of the Constitution by Federalists and Anti-Federalists shaped controversies concerning the rights and powers of states in relation to the federal government.

The ideas stated in the "Federalist" papers are at the core of civic culture in the United States and serve as a reference for citizens in other democratic nations of the world. The 15th through the 22nd "Federalist" papers, for example, discuss the defects of the Articles of Confederation, the federal system that preceded ratification of the U.S. Constitution. The 39th "Federalist" paper shows that federalism provided by the U.S. Constitution is a compound system that conjoins national and state powers. Other papers in the "Federalist" that are especially helpful in explaining federalism in the United States include the 10th, 14th, 45th, and 51st.

The balance of power between national and state governments and consequent changes in federalism have evolved in U.S. history. National government power generally has expanded over state power through Supreme Court decisions, constitutional amendments, executive orders, and federal statutes. Nineteenth century states' rights proponents exemplify reactions to a stronger national government.

Twentieth century influences concerning the growth of national government power within the federal system were initiated by events associated with two World Wars, the Great Depression, the Cold War, and civil rights movements. From the Nixon to the Reagan-Bush administrations, however, "New Federalism" sought to return power to the states.

During the Clinton presidency, the year 1996 was identified as the so-called "Devolution Revolution" as more powers, such as those pertaining to economic regulations and social welfare, were directed from the federal government to the states. By 1997 the development of the "New Federal Order" meant less intrusion by the federal government into the affairs of state governments.

At the beginning of the twenty-first century, the issue of national security in respect to terrorist threats calls into question the fractious relationship between peoples and governments throughout the world. The issue of creating unity and protecting security and individual rights in culturally diverse nations is related to federalism. Some analysts regard federalism as an antidote to over-centralization because it fosters democratic participation and prevents the over-centralization of political power.

## **DELIBERATIVE DISCUSSION AND THE UNDERSTANDING OF FEDERALISM.**

Deliberative discussion is a method for establishing the credibility of historical evidence and arguments and a means to develop historical understanding in students.

Deliberation involves teachers and students in careful reading and extended discussion about principles of government such as federalism and their connections to other key concepts in the theory and practice of constitutional democracy.

Teachers can engage students in deliberative discussions about issues of federalism in U.S. history, which are organized around seminal documents such as selected "Federalist" papers, selections from records of debates in Congress, or landmark opinions of Supreme Court Justices. Starting with a seminal document, the teacher and students discuss the central ideas and issues in the primary source. The teacher asks students to suspend judgments about past issues and points of view while trying to understand the context of the document. The teacher then introduces additional related documents so students have a richer contextual understanding of the period. Students are invited to find other documents that more fully illuminate their inquiries into the past. This kind of inquiry offers students opportunities to understand the on-going ideas and issues that are associated with the principle of federalism.

## **USING INTERNET RESOURCES.**

The following World Wide Web sites are recommended to teachers and students of federalism:

- \* American Federalism, 1776 to 1977: Significant events in American federalism, 1776 to 1997. <http://usinfo.state.gov/usa/infousa/facts/crsrepor/federal.htm>
- \* Assessing the New Federalism: Database includes statistics and tracking for all 50 states, including fiscal, economic, and demographic data. Sponsored by the Urban Institute. <http://newfederalism.urban.org>
- \* Canadian Politics on the Web/Federalism: The Canadian federal system has changed dramatically since Confederation in 1867, and it continues to evolve in important ways. The site includes material on the federal-provincial division of powers in Canada. <http://polisci.nelson.com/federalism.html>
- \* Russian Model of Federalism: Problems and Prospects: Shows specific features and operations of the Russian Federation. <http://www.eurplace.org/federal/kossikov2.html>
- \* U.S. Federalism Site: Offers definitions and different perspectives regarding federalism. Links to related articles and essays. <http://www.min.net/~kala/fed/>

## REFERENCES AND ERIC RESOURCES.

The following list of resources includes references used to prepare this Digest. The items followed by an ED number are available in microfiche and/or paper copies from the ERIC Document Reproduction Service (EDRS). For information about prices, contact EDRS, 7420 Fullerton Road, Suite 110, Springfield, Virginia 22153-2852; telephone numbers are (703) 440-1400 and (800) 443-3742. Entries followed by an EJ number, annotated monthly in CURRENT INDEX TO JOURNALS IN EDUCATION (CIJE), are not available through EDRS. However, they can be located in the journal section of most larger libraries by using the bibliographic information provided, requested through Interlibrary Loan, or ordered from commercial reprint services.

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Frederick D. Drake is an Associate Professor of History at Illinois State University. Lynn R. Nelson is an Associate Professor of Education at Purdue University.

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